

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division - Yeleswaram Mandal, J. Annavaram Village, - Land acquired under Award No.4/90, dated.15.2.90 for YRP - Land value enhanced in O.P.No.9/92 - Appeal filed in A.S.No.1750/2000 - Dismissed - Sanction of entire / full decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 140

Date: 26.2.2009

Read the following

1. From the Collector & District Magistrate, East Godavari District, Ir.No. G1/2288/2008, dated. 23.4.2008.
2. From the Spl.Chief Secretary to Govt & CCLA, A.P, Hyderabad, letter No.SPR3/514/ 2008, dated.5.6.2008.

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ORDER:-

In the references read above, it has been reported that an extent of Ac.93.79 cts of G.Wet/ G.Dry lands in S.No.405., situated in J. Annavaram village, Yeleswaram Mandal, were acquired under Award No. 4/90 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 15.2.90 duly fixing the land value @ Rs.21,000/-, 18,000/-, 12,000/-, 5,000/- and 3,000/- per acre. At the request of the aggrieved land owner covered with an extent of Ac.3.23 cts for which the LAO has fixed Rs.12,000/- and Rs.3,000/- per acre under category 3 and 5, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Subordinate judge, peddapuram after considering the reference pronounced decree and judgement in O.P.No.9/92, dated.29.11.99 enhancing the land value from Rs.12,000/- to Rs.40,000/- and Rs.3,000/- to Rs.10,000/- per acre and further ordered that the claimants is not entitled to any interest on clauses 3 and 4, ie., Solatium and Additional Market Value.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the order and decree dt.29.11.99 in O.P.No.9/92. The Hon'ble High Court in its order dated.25.7.2000 in CMP No.12041/2000 granted interim stay on condition to deposit half of the decretal amount within three months from the date of its order. Accordingly, Government sanctioned and released amount towards half of the decretal amount and the same was deposited before the Execution Court to the credit of E.P.No.30/02 in O.P.No.9/92 on 6.11.2004. Finally, the Hon'ble High Court in its order dated. 8.3.2007 in AS.No.1750/2000 confirming the decree of the lower court.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.1,58,002/- towards entire decretal amount to comply with the orders of Hon'ble High Court of A.P., Hyderabad in A.S.No.1750/2000 filed against O.P.No.9/92. The Spl.Chief Secretary to Government & CCLA, A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs. 1,58,002/- (Rupees One lakh Fifty Eight thousand and Two only) towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P., Hyderabad in A.S.No.1750/2000 filed against O.P.No.9/92., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the
(P.T.O)

Government / CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be debitable to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.9/92, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No. 498/ F.7(A1)/08-1,dt.16.2.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAIENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The District Collector, East Godavari, Kakinada.
The Spl. Chief Secretary to Govt & CCLA., A.P., Hyderabad.
The Engineer-in-Chief (Irr), Errumanzil, Hyderabad.
The Revenue Divisional Officer, Peddapuram, E.G. Dist.
The Director of Works Accounts, Hyderabad.
The Joint Director of Works Accounts, Dowlaiswaram.
The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department
Stock File / Spare copies
In the file C.No.19161/L.A.I(A2)/2008

//FORWARDED :: BY ORDER//

SECTION OFFICER